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CONSTITUTIONAL LAW.—DUE PROCESS OF LAW.—BANKING.—GUARANTY FUND.—The Nebraska act of March 25, 1909, (Laws Neb. 1909, C. 10, p. 66) prohibits individuals from engaging in the banking business unless they do so through the agency of a corporation, it also makes the right to engage in such business depend upon an enforced contribution to a separate fund, known as the "depositors' guaranty fund," and to be used to pay the depositors of banks organized in the state which shall become insolvent. *Held*, on demurrer to a bill seeking to enjoin the enforcement of the act, that it is in conflict with the constitution of the state (§3, Art. I) "No person shall be deprived of life, liberty or property without due process of law," and the Constitution of the United States (§1, 14th Amendment), "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law." *First State Bank of Holstein, Neb., et al. v. Shallenberger, Governor, et al.* (1909), — C. C. D. Neb., Lincoln Div. —, 172 Fed. 999.

Laws which prohibit a large class of citizens from enjoying or following a lawful business deprive them of liberty and property without due process of law. *Slaughter-House Cases*, 16 Wall. 36, 116, 122, 21 L. Ed. 394. The liberty intended by the fourteenth amendment includes the right of the citizen to use and enjoy in lawful ways all of his faculties, to live and work where he will, to follow any avocation and livelihood he may choose. *Allgeyer v. Louisiana*, 165 U. S. 578, 17 Sup. Ct. 427, 41 L. Ed. 832. To the same effect are *Butchers' Union etc. Co. v. Crescent etc. Co.*, 111 U. S. 746, 4 Sup. Ct. 652, 28 L. Ed. 585. The right to engage in banking was a recognized common law right: see *Bank of Augusta v. Earle*, 13 Pet. 519, 10 L. Ed. 274; *Bank of California v. City of San Francisco*, 142 Cal. 276, 75 Pac. 832, 64 L. R. A. 918, 100 Am. St. Rep. 130. It is well settled that a state cannot under color of law, as by taxation or the method employed in this case, take the property of one citizen and give it to another. *Loan Association v. Topeka*, 20 Wall. 655, 23 L. Ed. 455; *Parkersburg v. Brown*, 106 U. S. 487, 1 Sup. Ct. 442, 27 L. Ed. 238; *Mich. Sugar Co. v. Auditor General*, 124 Mich. 674, 83 N. W. 625, 56 L. R. A. 329, 83 Am. St. Rep. 354, and many others.

CONSTITUTIONAL LAW.—VESTED RIGHTS.—RIGHTS IN NAVIGABLE AND NON-NAVIGABLE WATERS.—DUE PROCESS OF LAW.—The Des Plaines River in Illinois, which was non-navigable, was declared navigable by an act of the legislature of Illinois (Laws Adj. Sess. 1907, p. 32). On an information in the nature of a bill in equity to restrain defendant from erecting a dam across the river, and to cause the removal of that part of the dam already constructed, *Held*, the act (Laws Adj. Sess. 1907, p. 32) is ineffective to deprive the riparian owners of vested property rights existing in reference to the stream in its natural state and the bill should be dismissed. *People v. Economy Light & Power Co.* (1909), — Ill. —, 89 N. E. 760.

The legislature by such an act could not deprive the riparian owners of their vested rights. The river was private property and the legislature could not divest the owners by simply calling a stream navigable when as a matter